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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/509,273	08/08/2005	Teruo Tsutsumi	450104-04918	5375
7590 12/24/2008				
William S Frommer Frommer Lawrence & Haug 745 Fifth Avenue New York, NY 10151				
EXAMINER				
FAULK, DEVONAE				
ART UNIT		PAPER NUMBER		
2614				
MAIL DATE		DELIVERY MODE		
12/24/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/509,273

Applicant(s)

TSUTSUMI, TERUO

Examiner

DEVONA E. FAULK

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-6 and 8-11 is/are allowed.
- 6) ☒ Claim(s) 1 and 7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/16/08 has been entered.

Response to Remarks

2. Regarding the newly recite claim language of " a virtual line extending from a partition wall " and " center point of an opening of the speaker" , the examiner asserts that this lanugage constitutes new matter.

The specifcaton discloses on page 27 that " In FIGS. 10A and 10B, the inside of the cabinet is diagonally divided by a partition wall 4, as shown in FIG. 10A, to form upper and lower (or left and right) two rectangular-pole shaped space, and first and second openings 8 and 9 are bored on the bottom board 6D and the rear board 6B1, respectively. In this case, as shown with virtual lines in FIG. 10A, two partition walls 4 may be disposed crosswise in diagonal directions to divide the cabinet into quarters: a first through a fourth triangular- pole shaped quadrant chambers 28a through 28d, and, with respect to the third chamber 28c, the first opening 8 may be bored on the left side board thereof. ". The virtual lines are representative of the partition walls and do not extend from the partition wall as newly recited. Regarding the center point of an

opening language the specification recites on pages 4-5 that " As described ,above, a cabinet used for the guitar amplifier is mostly of either open back box baffle, sealed box baffle or bass reflex and is made of non-resonant solid thick wood boards; and since sound energies are emitted in concentric waves from the center of a point where the speaker is attached, there is no sound emission similar to those emitted from the body of an acoustic guitar, and in addition, a high frequency range is restrained by a felt or the like overlaid on the surface of the cabinet and sound signals are emitted as a reproduction sound close to electric signals, which contains less harmonic tones. " This is not disclose the newly claimed subject matter.

3. .Regarding the IDS filed on 9/27/04, the examiner is withdrawing the statement that the IDS failed to comply with the provisions of 37 C.F.R. 1.97,1.98.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1 and 7 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 1 recites "a virtual line extending from a partition wall..." and ... a partition wall.... passes through a center point of an opening in the baffle board for the

speaker and divides the baffle board into at least two regions..". Claim 7 recites, "...a virtual line extending from a partition wall.." and "...a partition wall...passes through a center point of an opening of the speaker and divides the baffle board into at least two regions...". The examiner is unsure as to how can pass through the center of an opening for the speaker and pass through a center point of an opening in the baffle board for the speaker if the speaker is installed in the opening. As noted by the applicant, typically prior art partitions are cut away from the speaker area. The specification does not provide enablement as to how the speaker will be mounted if there is a partition wall passing through a center of an opening for the speaker and passing through a diaphragm of the speaker.

Claims 1 and 7 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification discloses on page 27 that " In FIGS. 10A and 10B, the inside of the cabinet is diagonally divided by a partition wall 4, as shown in FIG. 10A, to form upper and lower (or left and right) two rectangular-pole shaped space, and first and second openings 8 and 9 are bored on the bottom board 6D and the rear board 6B, respectively. In this case, as shown with virtual lines in FIG. 10A, two partition walls 4 may be disposed crosswise in diagonal directions to divide the cabinet into quarters: a first through a fourth triangular- pole shaped quadrant chambers 28a through 28d, and, with respect to the third chamber 28c, the first opening 8 may be

bored on the left side board thereof. ". The virtual lines are representative of the partition walls and do not extend from the partition wall as newly recited. Regarding the center point of an opening language the specification recites on pages 4-5 that " As described above, a cabinet used for the guitar amplifier is mostly of either open back box baffle, sealed box baffle or bass reflex and is made of non-resonant solid thick wood boards; and since sound energies are emitted in concentric waves from the center of a point where the speaker is attached, there is no sound emission similar to those emitted from the body of an acoustic guitar, and in addition, a high frequency range is restrained by a felt or the like overlaid on the surface of the cabinet and sound signals are emitted as a reproduction sound close to electric signals, which contains less harmonic tones. "

Therefore the "virtual line extending from a partition wall" constitutes new matter.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 recites "a virtual line extending from a partition wall..." and "... a partition wall.... passes through a center point of an opening in the baffle board for the speaker and divides the baffle board into at least two regions..". Claim 7 recites, "...a virtual line extending from a partition wall.." and "...a partition wall...passes through a center point of an opening of the speaker and divides the baffle board into at least two regions..." . The examiner is not clear as to what " a

center of an opening for the speaker " and "a center point of an opening in the baffle bard" is referring to, and center with respect to what axis? Clarification is needed.

Allowable Subject Matter

5. Claims 2-6,8-11 are allowed.
6. The following is a statement of reasons for allowance: Regarding claim 2, prior art Weathers (US 8,66,514) discloses a loudspeaker apparatus (Figures 4-6), in which a partition wall (either one of partitioning means 82,78,74 and 85 read on partition wall) provided at a right angle to the center of the speaker (a speaker is mounted in opening 86; Figures 4 and 6) divides the baffle board into at least two regions (each partitioning means divides the baffle board into at least two regions; Figures 4 and 6) to obtain sound energies emitted from at least two divided regions (sound is emitted from the divided regions; column 6, lines 50-column 7, line 35). Prior art Bobb (US 4,122,302) discloses a two way dynamic electrostatic speaker enclosure with side vent for greater high frequency dispersion. The prior art or combination thereof fails to disclose or make obvious emitting sound in middle and low frequency range from one of the divided space in the cabinet and emitting sound in middle and high frequency range from the other divided space in the cabinet. Therefore the prior art or combination thereof fails to disclose or make obvious a loudspeaker apparatus as claimed in claim 2.
7. Claims 3-6,8-11 are allowed due to dependency on claim 2.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DEVONA E. FAULK whose telephone number is (571)272-7515. The examiner can normally be reached on 8 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Devona E. Faulk/
Examiner, Art Unit 2614